

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHRISTOPHER LEROY SEALS aka
ANTHONY CHRISTOPHER LEROY
SEALS,

Debtor.

GUARDIAN INDUSTRIES, LLC,

Garnishee.

Case No. 1:25-mc-00006-BAM

ORDER DIRECTING CLERK OF COURT TO
RANDOMLY ASSIGN DISTRICT JUDGE

FINDINGS AND RECOMMENDATIONS
REGARDING REQUEST FOR FINAL
ORDER OF CONTINUING GARNISHMENT

(Doc. 8)

FOURTEEN-DAY DEADLINE

Currently pending before the Court is the United States' request for findings and recommendations regarding issuance of a final order of continuing garnishment ("Application") against twenty-five percent (25%) of the nonexempt disposable earnings of debtor Christopher Leroy Seals aka Anthony Christopher Leroy Seals ("Debtor") from Guardian Industries, LLC ("Garnishee"). (Doc. 8.) The matter was referred to the undersigned pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302(c)(7).

I. BACKGROUND

On September 14, 2007, pursuant to a plea agreement with the United States, Debtor

1 entered a plea of guilty to count 1 for violation of 18 U.S.C. § 371 – Conspiracy to Defraud the
2 United States. (*United States v. Seals*, Case No. 1:06-cr-00299-LJO-2, Doc. 89.) On March 16,
3 2009, the Court sentenced Debtor to 5 months in custody, 36 months supervised release, and
4 ordered Debtor to pay an assessment of \$100.00 and restitution of \$4,960.67. (*Id.* at Docs. 299,
5 300.)

6 In an attempt to collect the restitution and assessment, the United States filed an
7 application for writ of continuing garnishment against twenty-five percent (25%) of Debtor’s
8 nonexempt disposable earnings held by Garnishee. (Doc. 1.) According to the application,
9 Debtor owes \$4,660.34, which is the total amount sought by this garnishment action. (*Id.* at 2.)

10 The Clerk of the Court issued the writ of continuing garnishment on January 29, 2025.
11 (Doc. 4.) On January 29, 2025, the United States served the Garnishee with copies of the writ
12 and related documents. (Doc. 2.) On February 12, 2025, the United States served Debtor with
13 copies of the writ and related documents. (Doc. 5.) The documents served on Debtor advised
14 him of, among other things, his right to claim exemptions to garnishment and request a hearing on
15 his claim and/or object to the Garnishee’s answer (“Answer”) and request a hearing thereon. (*Id.*)

16 The Garnishee filed its acknowledgment of service and Answer on March 17, 2025,
17 indicating that Debtor is an employee of Garnishee and identifying the applicable pay period and
18 amount of gross pay. (Doc. 6.) The Garnishee filed an amended acknowledgement of service
19 and Answer on March 31, 2025. (Doc. 7.) The Garnishee served its amended acknowledgment
20 and Answer on Debtor and the United States on March 11, 2025. (*Id.*) The United States now
21 seeks a final order of continuing garnishment pursuant to section 3205(c)(7) of the Federal Debt
22 Collection Procedures Act (“FDCPA”), 28 U.S.C. §§ 3001, et seq., against Debtor’s ongoing and
23 nonexempt disposable earnings from the Garnishee. (Doc. 8.)

24 **II. DISCUSSION**

25 Pursuant to the Mandatory Victims Restitution Act, the United States may enforce a
26 judgment imposing a fine, including restitution, in accordance with the practices and procedures
27 for enforcing a civil judgment under the FDCPA. *United States v. Mays*, 430 F.3d 963, 965, n.2
28 (9th Cir. 2005). The FDCPA sets forth the “exclusive civil procedures for the United States . . .

1 to recover a judgment on. . . an amount that is owing to the United States on account of . . .
2 restitution.” *Id.* at 965.

3 The FDCPA permits the Court to “issue a writ of garnishment against property (including
4 nonexempt disposable earnings) in which the debtor has a substantial nonexempt interest and
5 which is in the possession, custody, or control of a person other than the debtor, in order to satisfy
6 the judgment against the debtor.” 28 U.S.C. § 3205(a). “Disposable earnings” is defined as “that
7 part of earnings remaining after all deductions required by law have been withheld.” 28 U.S.C. §
8 3002(5). “Nonexempt disposable earnings,” in turn, “means 25 percent of disposable earnings,
9 subject to section 303 of the Consumer Credit Protection Act.” 28 U.S.C. § 3002(9). The
10 principal restriction imposed by the Consumer Credit Protection Act is that garnishment of an
11 individual’s disposable earnings is limited to twenty-five percent of the debtor’s weekly earnings.
12 15 U.S.C. § 1673(a)(1).

13 The government is required by the FDCPA to provide the judgment debtor with notice of
14 the commencement of garnishment proceedings. 28 U.S.C. § 3202(b). The judgment debtor then
15 has twenty days after receipt of the notice to request a hearing. 28 U.S.C. § 3202(b). After the
16 garnishee files an answer, and if no hearing is requested within the required time period, the
17 Court must promptly enter an order directing the garnishee as to the disposition of the judgment
18 debtor’s property. 28 U.S.C. § 3205(c)(7).

19 Here, Debtor’s nonexempt disposable earnings are subject to garnishment under the
20 FDCPA. *See* 28 U.S.C. § 3205(a). The United States provided Debtor with notice of the
21 garnishment proceedings on February 12, 2025. (Doc. 5.) The documents served on Debtor
22 advised him of his right to claim exemptions and request a hearing on his claims, request a
23 hearing to oppose the writ, and object to the Answer and request a hearing. (*Id.*) Debtor was
24 further advised of the applicable deadlines for exercising these rights under the FDCPA. (*Id.*)
25 The Garnishee served Debtor with its Answer on March 11, 2025. (Doc. 7.) Neither Debtor nor
26 any other person filed any exemption claims, objections, requests for hearing, or other response in
27 this garnishment action and their time to do so has now expired. Pursuant to 28 U.S.C. §
28 3205(c)(7), as no hearing was requested during the applicable time period, the Court will

1 recommend that an order issue directing the Garnishee as to the disposition of Debtor's
2 nonexempt disposable wages.

3 **III. ORDER AND RECOMMENDATIONS**

4 Accordingly, the Clerk of the Court is HEREBY DIRECTED to randomly assign a
5 District Judge to this action.

6 It is HEREBY ORDERED that the United States is directed to serve a copy of these
7 findings and recommendations on the Garnishee and file proof of such service within seven (7)
8 days of entry of these findings and recommendations.

9 Further, based on the foregoing, IT IS HEREBY RECOMMENDED that:

- 10 1. The United States' Request for Findings and Recommendations for Final Order of
11 Continuing Garnishment be GRANTED;
- 12 2. Garnishee Guardian Industries, LLC be directed to pay the Clerk of the United
13 States District Court twenty-five percent (25%) of Christopher Leroy Seals aka
14 Anthony Christopher Leroy Seals' ongoing and nonexempt disposable wages,
15 earnings, commissions, and bonuses;
- 16 3. Garnishee Guardian Industries, LLC be directed to pay the Clerk of the United
17 States District Court the amount of nonexempt disposable wages, earnings,
18 commissions, and bonuses already withheld as a result of the writ, within fifteen
19 (15) days of the filing of an order adopting these Findings and Recommendations;
- 20 4. Garnishee Guardian Industries, LLC be directed to make payment in the form of a
21 check, money order, or company draft made payable to the Clerk of the Court and
22 delivered to the United States District Court, Eastern District of California, Office
23 of the Clerk, 501 I Street, Room 4-200, Sacramento, California 95814. The
24 criminal docket number (1:06-cr-00299-LJO) shall be stated on the instrument;
- 25 5. The Court retain jurisdiction to resolve matters through ancillary proceedings in
26 this case, if necessary; and
- 27 6. The garnishment terminate when (1) the United States seeks to terminate the writ;
28 or (2) when the judgment amount is fully satisfied.

1 These Findings and Recommendations will be submitted to the United States District
2 Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within
3 **fourteen (14) days** after being served with these Findings and Recommendations, the parties may
4 file written objections with the court. The document should be captioned “Objections to
5 Magistrate Judge’s Findings and Recommendations.” **Objections, if any, shall not exceed**
6 **fifteen (15) pages or include exhibits. Exhibits may be referenced by document and page**
7 **number if already in the record before the Court. Any pages filed in excess of the 15-page**
8 **limit may not be considered.** The parties are advised that failure to file objections within the
9 specified time may result in the waiver of the “right to challenge the magistrate’s factual
10 findings” on appeal. *Wilkerson v. Wheeler*, 772 F.3d 834, 838–39 (9th Cir. 2014) (citing *Baxter*
11 *v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991)).

12
13 IT IS SO ORDERED.

14 Dated: April 25, 2025

15 /s/ Barbara A. McAuliffe
16 UNITED STATES MAGISTRATE JUDGE
17
18
19
20
21
22
23
24
25
26
27
28